

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

CALVIN B. JAMES,

Petitioner,

v.

U.S. MARSHALS;

Respondent.

CIVIL ACTION NO.: 4:19-cv-160

ORDER

After a careful *de novo* review of the entire record, the Court concurs with the Magistrate Judge's September 18, 2020 Report and Recommendation, (doc. 8), to which Petitioner has filed not filed objections. Accordingly, the Court **ADOPTS** the Report and Recommendation, (doc. 8), as the opinion of the Court and **DISMISSES** Plaintiff's 28 U.S.C. § 2255 motion¹ **WITHOUT PREJUDICE**. Petitioner is also not entitled to a Certificate of Appealability, rendering moot any request for *in forma pauperis* status on appeal. The Court **DIRECTS** the Clerk of Court to **CLOSE** this case.

SO ORDERED, this 20th day of December, 2020.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ Petitioner initially filed this case pursuant to 28 U.S.C. § 2254, however, as he was challenging his federal conviction the Magistrate Judge construed petitioner's case as a 28 U.S.C. § 2255 motion.